

HCBS Settings Rule: Restrictions & Modifications Examples

The following two examples demonstrate what documentation of a restriction or modification can look like that meets all 8 required documentation requirements.

Example #1:	Not Acceptable	Acceptable
Restriction:	Morgan's doctor has approved 1 beer/month as tolerated.	Morgan can have one alcoholic drink within a 48 hour period.
Documentation Requirements:	Specific and individualized assessed need. If applicable, a way for other individuals to circumvent.	
Justification:	Doctor's orders.	Morgan has a history of drinking in excess. Morgan takes medication that has negative interactions with alcohol. Morgan has been to the ER three times in the past 6 weeks due to medication interaction with alcohol. The doctor recommended no more than one alcoholic drink within a 48 hour period due to the medication interactions.
Documentation Requirements:	A clear description of the condition that is directly proportionate to the specific assessed need.	
Previous Interventions:	None, implemented upon doctors' orders with addition of a new medication.	Morgan's alcohol consumption was not a concern prior to the addition of a new medication that has negative interactions with alcohol. The doctor and staff educated Morgan on the risks associated with the medication and alcohol. When Morgan required medical intervention (ER visit), staff had documented Morgan had chosen to drink alcohol 2-3 days in a row. After the first ER visit, staff worked through the informed decision making process with Morgan when she was contemplating whether she should drink or not. This was not sufficient for Megan to choose not to drink multiple days in a row, putting her health at risk.
Documentation Requirements:	Less intrusive methods used that did not work. Previous positive interventions and supports tried.	
Data Collection:	Document any medical intervention required.	Documentation will include the following: Each time (date/time) Morgan consumes alcohol as well as any observed symptoms or any medical attention required. Each time Morgan contemplates drinking, when staff has to implement the restriction versus when Morgan chooses to only drink one alcoholic drink within a 48 hour period.
Documentation Requirements:	Regular collection and review of data to measure effectiveness.	
Review:	Annually.	Will be reviewed at minimum, annually (via a formal process: DSPD Human Rights Committee, Person-centered planning process, etc.). Data will be reviewed monthly. Restriction can be terminated if the medication that has a negative interaction with alcohol is discontinued or when Morgan demonstrates she is able to choose (with or without staff support) to have no more than one alcoholic drink within a 48 hour period for 3 consecutive months.

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Documentation Requirements:	Established time limits for period reviews to determine if it is still necessary or can be terminated.	
Approval:	Only the guardian or representative signature: Team/Committee Signatures (missing the signatures of the individual):	Individual's Informed Consent Signature: Guardian's Informed Consent Signature (if applicable): The following Team/Committee Members approve the above documented restriction attesting that this is the least restriction intervention identified to ensure the health and safety of the individual and none of the identified interventions or supports will cause harm to the individual or others:
Documentation Requirements:	Informed consent of the individual. Assurance that interventions and supports will cause no harm to the individual.	

Example #2:	Not Acceptable	Acceptable
Restriction:	Staff manages all of Jacob's medications.	Jacob requires his medications to be stored and dispensed by staff.
Documentation Requirements:	Specific and individualized assessed need. If applicable, a way for other individuals to circumvent.	
Justification:	As reported by Jacob's parents, he cannot manage his own medications safely.	Jacob takes multiple medications in the morning and at bedtime. Jacob is unable to identify his medications or what they are for and he does not know when he is supposed to take what medications (morning versus night time). Some of Jacob's medications have serious indications and symptoms if missed (for diabetes and mental health).
Documentation Requirements:	A clear description of the condition that is directly proportionate to the specific assessed need.	
Previous Interventions:	None: His parents have never allowed Jacob to participate in his medication management.	Jacob's parents report that when Jacob hurt his foot last year, he was given a bottle of Tylenol. He understood what the Tylenol was for and was given specific instructions but several times he took too high of a dosage (4 pills instead of 2) and he took them too often (every 2 hours). With support, he was unable to manage one medication.
Documentation Requirements:	Less intrusive methods used that did not work. Previous positive interventions and supports tried.	
Data Collection:	Staff document medication distribution and any missed medications.	Staff document medication distribution and any missed medications. Documentation will also include education and skill building with Jacob designed to allow Jacob more independence with his medication management.
Documentation Requirements:	Regular collection and review of data to measure effectiveness.	
Review:	No review necessary: Jacob's parents do not want Jacob to manage his medications.	Will be reviewed at minimum, annually (via a formal process: DSPD Human Rights Committee, Person-centered planning process, etc.). Data will be reviewed every 3 months.

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		<p>Restriction can be lessened/faded when Jacob demonstrates a basic understanding of his medications. An automatic pill dispenser or bubble packed medications will be trialed as a less restrictive measure at this time.</p> <p>Restriction can be terminated if Jacob is able demonstrate he can independently manage his medications.</p>
Documentation Requirements:	Established time limits for period reviews to determine if it is still necessary or can be terminated.	
Approval:	<p>Only the Team/Committee Signatures (missing the signature of the individual):</p>	<p>Individual's Informed Consent Signature: Guardian's Informed Consent Signature (if applicable): The following Team/Committee Members approve the above documented restriction attesting that this is the least restriction intervention identified to ensure the health and safety of the individual and none of the identified interventions or supports will cause harm to the individual or others:</p>
Documentation Requirements:	Informed consent of the individual. Assurance that interventions and supports will cause no harm to the individual.	

Following are some additional examples of what restrictions should and should not look like. These include the descriptions of the restriction and justifications, but they do not include the remaining six documentation requirements.

Visitors/Supervision

Scenario #1

Not Acceptable:

Restriction: When Jack has visitors come to his home, staff must be present at all times. Jack cannot leave the home with anyone but staff or pre-approved friends and family.

Justification: Jack is vulnerable to those that would do him harm.

Acceptable:

Restriction: When Jack has family visitors come to his home, staff will be present.

Justification: Jack has a history of violent behavior towards family members when they disagree with him and there are currently supports in place to learn adaptive skills so that they can enjoy time together. The Family desires the support of staff to have a successful visit. Staff will be present and engaged in a way that both Jack and the family has agreed to.

Acceptable:

Restriction: Jack cannot leave home with anyone but staff or pre-approved friends and family.

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Justification: Jack has a history of inappropriate sexual behavior when left unsupervised in the community. He will hide when in stores and wait for an opportunity to leave whoever he is with. Pre-approved friends and family are aware of the supports in place to ensure Jack's safety when in the community.

Scenario #2

Not Acceptable:

Restriction: Susie must be supervised in all common areas of her home and in the community. She can be alone in her bedroom and in the bathroom.

Justification: Susie has poor impulse control and has a history of making impulsive decisions.

Acceptable:

Restriction: Susie must be supervised in all common areas of her home and in the community. She can be alone in her bedroom and in the bathroom.

Justification: Susie has poor impulse control and has a history of making impulsive decisions when around others. When she gets angry or disagrees with her housemates, she will lash out physically towards them. In the community, she will be physically aggressive with people in the community if she feels like they are in her way.

Scenario #3

Not Acceptable:

Restriction: Sadie cannot be alone with other individuals receiving services or any person that could do her harm.

Justification: Sadie does not know how to defend herself.

Acceptable:

Restriction: Sadie requires staff supervision at all times when at her day/residential program.

Justification: Sadie does not understand personal space and does not respond to other individuals asking her to respect personal space. She will get very close to others and then touch them on the face. This behavior has resulted in multiple individuals pushing her away and/or hitting her. Sadie will continue to stay in their space and touch them unless redirected by staff.

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Scenario #4

Not Acceptable:

Restriction: Staff are to tie Charlotte to her bed when she goes to bed (no later than 10pm).

Justification: Charlotte has a history of wandering at night time.

Acceptable:

Restriction: Charlotte is required to wear a GPS bracelet.

Justification: Charlotte has a history of wandering at night. In the last 2 months she has left her residence 10 times (on average once per week). She reports she takes a walk to clear her head. Three of those 10 times she got turned around and was unable to return home. She was able to call staff but was unable to report where she was. The GPS bracelet will allow staff to see where she is so she can return home safely. Staff will only access Charlotte's location as agreed upon by both Charlotte and her team (when Charlotte or someone on Charlotte's behalf contacts them notifying she is unaware of where she is).

New Admissions

Scenario #1

Not Acceptable:

Restriction: Tammy must be within line of sight at all times.

Justification: Tammy is new to our services. Restriction will be reassessed after 30 days.

Acceptable:

Restriction: Tammy must be within line of sight at all times.

Justification: Tammy has a history of running when in a new environment. Family reports it takes her a minimum of 3-4 weeks before she is comfortable with change and when this happens, she will no longer be a flight risk. Restriction will be removed after 30 days. Note: If there are additional health and safety concerns identified during this period, a new restriction will be required.

Food/Drink

Scenario #1

Not Acceptable:

Restriction: Jill has a calorie restriction of 2500 calories daily (as recommended by her doctor). The house manager creates the weekly menu for Jill. Food items listed on the weekly menu are the foods served for that meal. The menu is not flexible; for example Jill cannot exchange her Monday breakfast for her Friday breakfast.

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Justification: Jill binge eats when she is anxious.

Acceptable:

Restriction: Jill has a calorie restriction of 2500 calories daily (as recommended by her doctor). Jill and the House Manager put together a weekly menu that falls within her calorie limit. The menu is flexible; for example Jill can trade meals/food as long the daily limit is still met. There are no “off limits” food as long as the daily calorie restriction is maintained.

Justification: Jill binge eats when she is anxious. In the past she was consuming on average 6000-7000 calories per day. She was gaining 10-15 pounds per month for multiple months. Even with support from doctors, a nutritionist, and staff, Jill was not able to decrease her calorie intake.

Scenario #2

Not Acceptable:

Restriction: Adam has the following food restrictions:

- Soda: Adam can have 2 diet sodas daily (max. of 16 oz.). He can have his sodas with his morning and afternoon snack.
- Desserts: Adam cannot have desserts. Exception: He may have one dessert on special occasions (e.g. holiday parties).

Justification: Adam has poor impulse control with soda and desserts.

Acceptable:

Restriction: Adam has the following food restrictions:

- Soda: Adam can have 2 diet sodas daily (max. of 16 oz.).
- Desserts: Adam can have one sugar free or low calorie dessert daily (max. of 150 calories). Exception: He may have one regular dessert on special occasions (e.g. holiday parties).

Justification: Adam has poor impulse control with soda and desserts. With desserts, if given the opportunity, he will overeat until he becomes ill. Adam gained weight over the past year (50 pounds) and with his continued increase in diabetic related symptoms, his doctor is concerned with his immediate health.

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Dangerous Items

Scenario #1

Not Acceptable:

Restriction: Jennifer cannot have access to fire starting items such as lighters and matches.

Justification: Jennifer does not understand the danger of fire.

Acceptable:

Restriction: Jennifer cannot have access to fires starting items such as lighters and matches.

Justification: Jennifer does not understand the danger of fire. She has a history of starting fires in her home and likes to burn carpets in particular.

Technology

Scenario #1

Not Acceptable:

Restriction: No R rated TV/Movies or TV/Movies with violent content.

Justification: Jerry typically would not choose to watch anything rated R, scary, or violent content. His team feels his behaviors would be affected by this type of content.

Acceptable:

Restriction: No TV/Movies with violent content.

Justification: Jerry has a history of aggressive behavior towards his roommates after watching movies/TV with violent content.

Scenario #2

Not Acceptable:

Restriction: Jim has to earn his video game console. Staff are to keep the power cord and only give it to him in the afternoon if he has showered and attends day program for scheduled days. Staff is to remove the power cord every night at 9pm.

Justification: Jim will stay up late to play video games and will refuse to attend day program the next day. He also refuses to shower and in the past has gone several days without showering.

Acceptable:

Restriction: Jim is not allowed any video games with violent content.

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Justification: When Jim views violent content he thinks it is real. His behavior will escalate to physical assault and property destruction after playing violent video games.

Misc. Restrictions

Scenario #1

Not Acceptable:

Restriction: Betty cannot use any kitchen appliances (stove, microwave, toaster, etc.).

Justification: Betty has dementia.

Acceptable:

Restriction: Betty cannot use any kitchen appliances (stove, microwave, toaster, etc.) without supervision.

Justification: Betty has dementia and has a history of forgetting when she is cooking something resulting in food catching on fire in the oven. She also has overcooked things multiple times (in the toaster and microwave) resulting in severely burned food and the kitchen being filled with smoke and the smoke alarm going off. Betty does not know how to respond to the smoke or smoke alarm and staff is required to respond to ensure it does not escalate to a fire.

Scenario #2

Not Acceptable:

Restriction: Damon cannot have a lock on his bathroom door.

Justification: He does not care if there is a lock on his door.

Acceptable:

Restriction: Damon cannot have a lock on his bathroom door.

Justification: Damon has history of locking himself in the bathroom. He forgets how to unlock the door and then he panics. Staff has found him multiple times locked in the bathroom crying. Damon is unable to report how long he was locked in the bathroom.

Scenario #3

Not Acceptable:

Restriction: Alex is required to use an automatic pill dispenser to manage his medications. Staff is required to set up the pill dispenser and ensure medications are refilled when required.

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Justification: Alex is unable to manage his medications.

Acceptable:

Restriction: Alex is required to use an automatic pill dispenser to manage his medications. Staff is required to set up the pill dispenser and ensure medications are refilled when required.

Justification: Alex used to manage his medications independently. In the last 3 months, on average, once per week, Alex has mixed up his medications (taking medications at the wrong time or taking multiple dosages). The last time he mixed up his medications, he had to go the ER for symptoms caused by taking too much of one medication.

Acceptable:

Restriction: Alex is required to have his medications bubble packed by the pharmacy to manage his medications.

Justification: Alex used to manage his medications independently. In the last 3 months, on average, once per week, Alex has mixed up his medications (taking medications at the wrong time or taking multiple dosages). The last time he mixed up his medications, he had to go the ER for symptoms caused by taking too much of one medication. Alex is still able to take his medications at the frequency required, the bubble packs are to prevent the mixing up of his medications.

For additional information on what a rights restriction is, how they should be implemented, and additional information, [Click Here](#)

Submit any questions to HCBSSettings@utah.gov

Find additional resources here:

<https://medicaid.utah.gov/ltc/hcbstransition/>

